

## CHAPTER 77 DRUGS AND POISONS

### Table

77-01	Definitions
77-1	Distribution of Drugs
77-3	Wood Alcohol
77-4	Monoxide Poisoning Warning Signs
77-5	Pesticide
77-6	Penalty

#### **77-01. Definitions.** In this chapter:

**1.** COMMISSIONER means the commissioner of health, his or her designated representative within the health department, or any other city official to whom the commissioner's functions or duties under this chapter have been delegated pursuant to a memorandum of understanding.

**2.** DEPARTMENT means the health department or any department to which health department functions or duties under this chapter have been delegated pursuant to a memorandum of understanding.

**77-1. Distribution of Drugs.** **1.** NOT TO BE THROWN ON STREET, ETC. It is made unlawful for any person, firm or corporation, or for any officer, member, agent, servant or employe of any firm or corporation to leave, place, throw, deposit or distribute any sample packages of any patent or proprietary medicine, or any preparation, pill, tablet or drugs, or compounded drug whatsoever in or upon any lot, doorstep, private dwelling house, public building, store or office building, or to deliver to any child under the age of 15 years, when not accompanied by an adult, any patent or proprietary medicine, or any preparation, pill, tablet or drug, or compounded drug whatsoever, or to place, throw, deposit or distribute any sample packages of any patent or proprietary medicine, or any preparation, pill, tablet or drug, or compounded drug whatsoever, in or upon any sidewalk, highway or other public place or park within the limits of the city.

**2.** PENALTY. Every person, firm or corporation, and every officer, member, agent or servant of any firm or corporation who shall violate this section shall, on conviction thereof, be punished by a fine of not less than \$1 nor more than \$50

together with the costs of the action, and in default of payment thereof shall be imprisoned in the house of correction of Milwaukee county for not less than 30 days nor more than 90 days in the discretion of the court.

#### **77-3. Wood Alcohol.** **1. LABELING REQUIRED.**

No person, firm or corporation shall keep any wood alcohol or preparations containing wood alcohol in any quantity on any premises in the city either for commercial purposes or sale purposes, nor shall such wood alcohol or preparation containing wood alcohol be sold or offered for sale in wholesale or retail lots unless the container thereof is plainly marked showing the presence of wood alcohol and labeled "poison" in letters that are large enough to apprise the purchaser thereof that said contents are poisonous.

**2.** PENALTY. Any person, firm or corporation violating this section shall, upon conviction, be punished by a fine not exceeding \$100 or, in default thereof, by imprisonment in the house of correction for not exceeding 60 days.

#### **77-4. Monoxide Poisoning Warning Signs.**

The commissioner is empowered to prepare and cause to be distributed in the city to the owner and owners of every public and private garage, barn or building in which motor vehicles are kept for display therein, a suitable placard or sign warning of the danger of death from monoxide poisoning caused by automobile motors permitted to be run and operated in unventilated buildings, barns or closed garages. These placards or signs shall be of a design and size and contain the printed matter prescribed by the commissioner. (See also s. 80-7.)

#### **77-5. Pesticide.** **1. DEFINITIONS.** In this section:

a. "Commercial pesticide applicator" means any person who applies or supervises the application of pesticides for remuneration or other consideration.

b. "Pesticide" means any substance or mixture of substances labeled, designed or intended for use in preventing, destroying, repelling or mitigating any pest, or used as a plant regulator, defoliant or desiccant.

## 77-5-2 Drugs and Poisons

c. "Pesticide application" means the use or application of any pesticide by any method, including, but not limited to, broadcasting, drop spreading, fumigation, misting, soil injection or spraying.

2. APPLICABILITY. The provisions of this section shall apply to the use of any pesticide on or around any exterior premises, except those pesticides only used adjacent to and not more than 2 feet away from a dwelling on the premises and those rodenticides used in tamper-resistant bait stations or placed in burrows.

3. REGISTRATION. a. Required. No person shall apply, advertise to apply or supervise the application of a pesticide, on or around any premises without first applying for and obtaining a registration certificate from the department as a commercial pesticide applicator.

b. Exemption. This sub. shall not apply to:

b-1. The owner or occupant of a single, 2-family or multifamily dwelling of 12 or less units, if a pesticide is applied by a non-commercial applicator.

b-2. Public employees certified under the regulations of ch. ATCP 29, Wis. Adm. Code.

c. Application. Registration forms for commercial pesticide applicator certificates shall be obtained from and returned to the department and shall contain the following information:

c-1. Full name, address, date of birth and phone number of applicant.

c-2. Valid proof of certification as a commercial pesticide applicator under s. 171.3(7) of the federal standards for certification of pesticide applicators by equivalent certification in accordance with the provisions of ch. 94, Wis. Stats., and for any subsequently adopted subcategories, including, but not limited to, fumigation or wood destroying organism control.

d. Certificate Issued. Upon full and proper completion of the registration form, and payment of the fee required in s. 60-67, the commissioner shall issue a commercial pesticide applicator registration certificate to the applicant. No pesticide applicator certificate is transferrable.

e. Change of address. Any change in the address of a pesticide applicator permittee shall be reported to the department within 60 days of the change.

f. Compliance. Pesticide applicators shall be required to comply with all applicable city, state and federal laws and regulations concerning the health of workers, occupants, the public, the environment and the community.

4. WARNING SIGNS TO BE POSTED. a. Required. Warning signs informing occupants, adjacent property owners and the public of the hazards associated with the application of pesticides, shall be posted on the premises prior to the application. The provisions of this subsection shall apply to anyone applying a pesticide as provided in sub. 2, including the owner or occupant of a single, 2-family or multifamily dwelling of 8 or less units if a pesticide is applied by a non-commercial applicator, as well as commercial pesticide applicators.

b. Size and Wording. The warning signs shall:

b-1. Be a minimum of 4 inches by 5 inches in size, be professionally printed with red lettering on a white background, attached to a stable supporting device and made of a rigid material durable enough so that a sign can be easily read at least 72 hours after posting, notwithstanding reasonably foreseeable adverse conditions.

b-2. Include language and a symbol that warns people to stay off the premises on which the pesticide is to be applied. Each sign shall contain the universal symbol depicting an adult, child and pet in a circle, with a diagonal line across the circle. Each sign shall bear the words, in not less than 36-point type, "PESTICIDE APPLICATION", and "PLEASE KEEP OFF."

b-3. State the name of the pesticide to be applied as well as the name and phone number of the applicator who will apply the pesticide, if the applicator is other than the owner or resident at the premises.

b-4. The date and time of the pesticide application and when the sign may be removed. Each sign shall also bear the words, in not less than 9-point type, "DO NOT REMOVE UNTIL SUNSET THE DAY

FOLLOWING APPLICATION" and "FOR ADDITIONAL INFORMATION ON THIS APPLICATION OR ANY FUTURE APPLICATIONS CALL [name and telephone number of the commercial applicator's business] OR THE DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION AT 608-266-LAWN."

c. Removal. Warning signs shall remain on the property on which a pesticide is to be applied until sunset the day following the application.

d. Exemptions. This subsection shall not apply to:

d-1. The city, when a pesticide is applied to the concrete portion of a median.

d-2. The necessary application of a pesticide in either an emergency or non-emergency condition, as determined by the commissioner, to protect the public health or safety.

**5. ACCIDENTAL SPILL OR DISCHARGE.** In the event any pesticide spills or discharges accidentally, the person responsible for the spill or discharge shall:

a. Notify the fire department immediately.

b. Take action to control the spill or discharge in a safe and approved manner.

c. Remove the spilled or discharged substance, as well as any tainted tools, utensils or equipment, to an approved location for disposal.

d. To the extent possible, restore the site to its original condition.

**6. ENFORCEMENT.** The department shall enforce the provisions of this section.

**77-6. Penalty.** 1. Any person who violates any provision of s. 77-5 or who fails to obey an order of the commissioner to conform to those provisions shall be liable upon conviction to a Class F penalty as provided in s. 61-12.

2. Citations may be issued for all violations of this section with or without prior notice. The stipulation, forfeiture and court appearance set forth in s. 50-25 shall apply.

## 77- Drugs and Poisons

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LEGISLATIVE HISTORY  
CHAPTER 77

Abbreviations:

am = amended  
cr = created

ra = renumbered and amended  
rc = repealed and recreated

m = renumbered  
rp = repealed

<u>Section</u>	<u>Action</u>	<u>File</u>	<u>Passed</u>	<u>Effective</u>
77-01	cr	980963	12/18/98	1/1/99
77-4	am	980963	12/18/98	1/1/99
77-5	rc	910641	3/24/92	6/9/92
77-5-3-a	am	980963	12/18/98	1/1/99
77-5-3-b-1	am	920845	3/23/93	4/9/93
77-5-3-b-2	am	930451	7/27/93	8/13/93
77-5-3-c-0	am	980963	12/18/98	1/1/99
77-5-3-d	am	980963	12/18/98	1/1/99
77-5-3-e	am	980963	12/18/98	1/1/99
77-5-4-a	am	921861	3/23/93	4/9/93
77-5-4-b-0	am	921861	3/23/93	4/9/93
77-5-4-b-1	am	921861	3/23/93	4/9/93
77-5-4-b-2	am	921861	3/23/93	4/9/93
77-5-4-b-4	am	921861	3/23/93	4/9/93
77-5-4-c	am	921861	3/23/93	4/9/93
77-5-4-d-2	am	980963	12/18/98	1/1/99
77-5-5	am	881803	1/24/89	2/11/89
77-5-6	am	980963	12/18/98	1/1/99
77-6	rc	910641	3/24/92	6/9/92

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